

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FT. WORTH DIVISION**

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U.S. PASTOR COUNCIL, *et al.*,

Plaintiffs,

v.

Case No. 4:18-cv-00824-O

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION, *et al.*,

Defendants.

**NOTICE REGARDING WITHDRAWAL OF ARGUMENTS**

Defendants previously moved to dismiss the plaintiffs' first amended complaint for lack of subject-matter jurisdiction (ECF Nos. 28, 29), and that motion is fully briefed and remains pending.

In light of intervening developments since the filing of that motion, including the Supreme Court decision in *Bostock v. Clayton County, Ga.*, --- S. Ct. ---, 2020 WL 3146686 (June 15, 2020), Defendants hereby withdraw the argument that Plaintiffs are "free to interpret Title VII in a different lawful way than EEOC . . . a point underscored by the fact that . . . the Department of Justice agrees with Plaintiffs' views of Title VII." ECF No. 29 at 13-14. Defendants also withdraw the argument that Plaintiffs' alleged injuries are not traceable to EEOC because the interpretation of Title VII set forth in an EEOC "Brochure," titled "Preventing Employment Discrimination Against Lesbian, Gay, Bisexual, or Transgender Workers" is "only interpretive in nature . . . particularly . . . where the Attorney General has explained that the plain meaning of Title VII does not support the EEOC's interpretation." ECF No. 29 at 18-19. The

other arguments set forth in Defendants' renewed motion to dismiss remain fully briefed before the Court and appropriate for the Court to address.

Dated: June 25, 2020

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on June 25, 2020, I served this document through CM/ECF upon:

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